

REMARKS

Applicants respectfully request reconsideration of the claims. Claims 1-6 are pending. Applicants respectfully request reconsideration and withdrawal of the pending rejection under the judicial doctrine of obviousness-type double patenting.

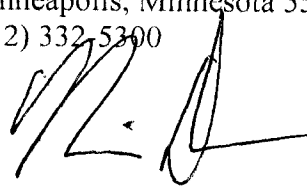
Obviousness-Type Double Patenting Rejection

The Examiner rejects the claims under the judicial doctrine of obviousness-type double patenting in view of claims 12-34 of U.S. Patent No. 6,890,943. U.S. Patent No. 6,890,943 issued from U.S. Application Serial No. 09/863,093. Applicants previously filed a terminal disclaimer on March 22, 2005, disclaiming the terminal portion of any patent granted on the instant application "beyond the expiration date of the full statutory term of any patents that issue from Serial No. 09/863,093", thereby effectively disclaiming the terminal portion of U.S. Patent No. 6,890,943. Thus, this obviousness-type double patenting rejection has already been obviated.

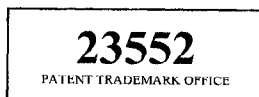
In view of the foregoing, Applicants respectfully request removal of the obviousness-type double patenting rejection and respectfully requests a Notice of Allowance since the only pending rejection has already been obviated. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Date: April 24, 2006



Brian R. Dorn, Ph.D.
Reg. No. 57,395
BRD:RAD:sab